

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** November 14, 2006

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

INLUC  
Agenda Item No. 4(A)

**Subject:** Ordinance establishing location, construction, mounting, color and design standards for newsracks placed in the public right-of-way in unincorporated Miami-Dade County

## **RECOMMENDATION**

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance establishing location, construction, mounting, color, and design standards for newsracks placed in the public right-of-way in unincorporated Miami-Dade County.

## **BACKGROUND**

On May 9, 2006 the Board adopted Resolution No. R-565-06 directing me to convene an advisory group to develop public safety and aesthetic goals for regulating public sidewalks including regulations governing the placement and appearance of newsracks and similar distribution devices. Since then, an advisory committee composed with members of the various local newspapers including the *Miami Herald*, *Miami Times* and *New Times*, the Community Image Advisory Board, and the Departments of Public Works (PWD), Team Metro, and Planning and Zoning has met on several occasions to discuss potential regulatory language, which eventually led to the development of the proposed ordinance. A notice of the proposed ordinance has also been sent to interested community news organizations.

The existing provisions of the Code, Section 2-103.16, established by Ordinance No. 95-198, require a permit from the PWD for the placement of newsracks in unincorporated Miami-Dade County. Many news organizations are not aware of the permitting requirement and no new permit has been issued since 2002. Enforcement of the permits is a logistics challenge since the newsracks are mobile and may be permitted for one location and moved to another. Field conditions in several locations present an impediment to pedestrian and wheelchair traffic, may block the view of drivers, are unsightly, and possibly will become a hazard in high winds.

The proposed ordinance amends Section 2-103.16 of the code, "Articles in the public right of way," and Section 8CC-10, Schedule of Civil Penalties," and establishes Section 2-103.17, "Newsracks in the public right of way." This new section, which contains the detailed regulatory criteria (standards) for newsracks, is primarily based on the standards used by the municipalities of Miami, Miami Beach and Coral Gables. Specifically, the proposed ordinance regulates the location, construction, mounting, color (dark green), and design of newsracks and modular newsracks placed in the public right-of-way and protects the public right-of-way by keeping the right-of-way clear of obstructions and clutter that could inhibit safe passage by the public and/or create a hazard in high winds. The newsracks will be anchored to a concrete foundation.

An inventory of existing newsracks at locations throughout the unincorporated area does not exist and, as such, it is difficult to estimate the numbers of newsracks that would be impacted by this legislation. However, in working with the media industry, staff is proposing an extended implementation period of six (6) months to allow the media organizations the opportunity to acquire a permit for a newsrack

location and one (1) year from the date of final passage of the proposed ordinance to bring newsracks into compliance or remove them from the public right-of-way. The proposed ordinance provides detailed criteria for permitting and enforcement, with PWD handling the permitting (an approval or denial of the permit application by PWD is required within ten (10) working days), first inspection, and renewal of permits while Team Metro will handle the code enforcement. The process is outlined below:

♦ Permit Application

Applicant submits permit application to PWD for a particular location. If the application meets the minimum standards and the location is available, a permit will be issued by the PWD. Locations will be permitted on a first-come, first-served basis for up five (5) newsracks at a location or corner and no more than ten (10) at any intersection. In the case of modular newsracks, no more than one modular newsrack shall be placed at any one location and no more than one modular newsrack and two side-by-side standard newsracks shall be permitted at any one location.

♦ Permit Issued

After the permit has been issued, and the newsrack has been installed, an inspection request is made to the Public Works Department by the applicant and an inspector will visit the site. If the installation meets the permit requirements, the PWD Inspector will affix the initial PWD decal on the newsrack, which will be good for one year. If the newsrack fails inspection, the applicant will be contacted and advised to request a re-inspection at a cost of \$20 once the corrections are made.

♦ Yearly Renewal

One year after the initial issuance of the permit, a renewal is required for each newsrack. The applicant will be responsible to affix the yearly renewal decal to the newsrack over the old permit. If the decal is not current on the newsrack, it will be considered in violation and an automatic citation will be issued.

If the renewal fee is not received within the 10-day time period allotted in the ordinance, a past due notice will be sent to the applicant via Certified Mail from the Department. If the applicant desires not to renew the permit, a signed and notarized "Removal of Newsrack Affirmation" is required within 10 days of the postmarked date on the notice. If no affirmation or payment is received within the allotted time period, an automatic citation will be issued to the applicant and the newsrack will be deemed abandoned and removed by the Public Works Department.

♦ Enforcement:

Team Metro will conduct enforcement for non-permitted, damaged or abandoned newsracks. For damaged newsracks, the media organization will be given a notice and have a five (5) day grace period before the citation is issued, since the organization may not be aware of the damage from vandalism or accidents. For non-permitted or abandoned newsracks, the media organization will receive a citation and have five (5) days to address the violation or file an appeal. The fine will be \$100.00.

♦ Removal of newsracks:

If a violation is found by the PWD Inspector or Team Metro Enforcement, which has not been corrected, the area Neighborhood Enhancement Action Team (NEAT) will be contacted for its removal. The NEAT crew will not be performing inspections or enforcement. A \$120.00 fee will apply for removal and storage/disposal by PWD.

♦ Appeals:

An appeal process is provided in the event an application for permit is denied.

**FISCAL IMPACT**

This ordinance provides for a \$100.00 fine for non-permitted or abandoned newsracks. A proposed Administrative Order (AO) accompanying this ordinance will provide for a permit fee of \$25.00 for each newsrack and a \$10.00 annual renewal fee. A \$20.00 re-inspection fee and \$120.00 removal and storage/disposal fee will also be created. Depending on the volume of field visits, these revenues will be offset by expenditures incurred through the permitting activity.

  
\_\_\_\_\_  
Assistant County Manager

  
\_\_\_\_\_  
Date



# MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

DATE: September 12, 2006

FROM: Murray A. Greenberg  
County Attorney

SUBJECT: Substitute  
Agenda Item No. 4(O)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Substitute  
Agenda Item No. 4(O)  
9-12-06

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO NEWSRACKS;  
PROVIDING LOCATION, CONSTRUCTION,  
MOUNTING, COLOR AND DESIGN STANDARDS;  
REQUIRING EXISTING NEWSRACKS TO COMPLY  
WITH THE PROVISIONS OF THIS ORDINANCE;  
PROVIDING PENALTIES; AMENDING SECTIONS 2-  
103.16 AND 8CC-10 OF THE CODE OF MIAMI-DADE  
COUNTY, FLORIDA (CODE) AND CREATING  
SECTION 2-103.17 OF THE CODE; PROVIDING  
SEVERABILITY, INCLUSION IN THE CODE AND AN  
EFFECTIVE DATE

**WHEREAS**, a community's aesthetics play a vital role in the quality of life of its residents, in the community's desirability as a tourist destination, in the competitive advantage in attracting and retaining a superior workforce, in the enhancement of property values; and

**WHEREAS**, this Board has long taken the lead in fostering community aesthetics, including among other efforts, the appointment of a Community Image Advisory Board, which is charged to study and report on beautification of public places, roads, bridges, and transportation gateways, through means such as elimination of litter and trash, standardization of color schemes, design and landscaping improvement; and

**WHEREAS**, this Board annually expends substantial sums to enhance the image and beauty of this community, including sums to fund art in public places; and

**WHEREAS**, through its code of ordinances, this Board has also acted consistently to protect the public right-of-way, including roads, thoroughways, and sidewalks, by keeping the right-of way clear of obstructions and clutter, so as to enhance

safety and the ability of the public to use the right-of-way freely, as well as to preserve and enhance aesthetics; and

**WHEREAS**, there has been a proliferation of unsightly and unpermitted newsracks which in certain cases have become a hindrance to pedestrian traffic, particularly pedestrians who are physically challenged; and

**WHEREAS**, this Board directed the County Manager to convene an appropriate advisory group representing owners and operators of newsracks, public employees responsible for the upkeep and maintenance of the community's sidewalks, business and neighborhoods affected by such matters and persons with an appreciation and understanding of the desired image of Miami-Dade County; and

**WHEREAS**, this advisory group has met and informed the County Manager and this Board of additional regulations which would enhance the aesthetics and safety of newsracks in the community,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 2-103.16 of the Code of Miami-Dade County, Florida is hereby amended as follows:<sup>1</sup>

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

**Sec. 2-103.16. Articles in the public right of way.**

- (a) *Definitions.* For the purposes of this section:
- (1) *Storage bin* shall mean any container used for the collection, storage or distribution of personal property.
  - ~~[[ (2) *Newsrack* shall mean any type of unmanned device for the vending or free distribution of newspapers, news periodicals or advertising publications. ]]~~
  - ~~(3)]~~>>(2)<< *Vehicle* shall mean functioning automobiles, trucks, buses or trailers.
  - ~~[[ (4) ]]~~>>(3)<< *Trees* shall be defined as in Section 19-3 of the Code.
  - ~~[[ (5) ]]~~>>(4)<< *Public right-of-way* shall mean rights-of-way in the unincorporated area of Miami-Dade County.
  - ~~[[ (6) ]]~~>>(5)<< *Article* shall mean any personal property, including but not limited to ~~[[newsracks]]~~ storage bins and trees, except >> newsracks<< and vehicles temporarily parked in the right-of-way.
- (b) Unless otherwise authorized by law, no person, corporation, partnership, association or other legal entity shall place any article in the public right-of-way without first having obtained a permit from the Public Works Department; provided, however, the United States, federal agencies and their contractors, the State of Florida and State agencies, the execution of federal or State projects are exempted from the provisions of this section.
- (c) Issuance of permit. The Department of Public Works shall have the authority to issue permits for the placement of ~~[[newsracks]]~~ >>articles<< in the public right-of-way in accordance with the standards established in the Official Manual of the Public Works Department. In establishing standards

for the placement of articles in the public right-of-way, the Department shall take into consideration:

- (1) Pedestrian and driving safety and convenience;
- (2) Public and property safety during hurricane conditions;
- (3) Access to the use and maintenance of poles, traffic signs or signals, hydrants, and access locations used for public transportation purposes;
- (4) Uniformity in the treatment of similar articles;
- [[~~(5) In the case of permits for newsracks, maintenance and preservation of freedom of the press.~~]]

\* \* \*

**Section 2.** Section 2-103.17 of the Code of Miami-Dade County, Florida is hereby created as follows:

**>>Sec. 2-103.17. Newsracks in the public right of way.**

- (a) Definitions. For purposes of this section:
- (1) Department shall mean the Department of Public Works
  - (2) Director shall mean the Director or designee of the Department of Public Works.
  - (3) Modular newsrack means a newsrack, as defined herein below, that is designed with multiple separate enclosed compartments and/or to accommodate at any one time the



display, sale and distribution of multiple distinct and separate newspapers or other publications and is subject to all of the provisions of this section as a newsrack.

- (4) Newsrack shall mean any type of unmanned device for the vending or free distribution of newspapers, news periodicals or advertising publications.
  - (5) Public right-of-way shall mean rights-of-way in the unincorporated area of Miami-Dade County.
  - (6) Publisher shall mean the person, individual, partnership, corporation, association, firm, company, organization or any other legal entity owning or responsible for placing or maintaining a newsrack in a public right-of-way.
- (b) Purpose and criteria for the placement of newsracks in the public right-of-way.

The purpose of the following is to promote the public health, safety and welfare through the regulation of placement, type, appearance, servicing, and ensuring that newsracks in the public right-of-way comply with the following criteria:

- (1) Provide for safety and convenience of pedestrians, bicyclists, and drivers.
- (2) Avoid unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress into or egress from a residence or place of business or from the street to the sidewalk by persons exiting or entering parked or standing vehicles.
- (3) Provide reasonable access for the use and maintenance of poles, posts, traffic signs or signals, hydrants, and mailboxes and access to locations used for public transportation purposes.

- (4) Provide for consistency with the aesthetics of the surrounding area by: eliminating, relocating, or replacing newsracks which result in a visual blight; avoiding excessive concentration of newsracks on the public rights-of-way; and eliminating newsracks which unreasonably detract from the aesthetics of adjacent store window display, landscaping or other improvements.
  - (5) Facilitate the removal of abandoned newsracks.
  - (6) Maintain and protect the values of surrounding properties.
  - (7) Eliminate and avoid unnecessary injury to persons or property damage.
  - (8) Maintain and preserve freedom of the press and treat all newspapers equally regardless of their size, content, circulation, or frequency of publication.
- (c) Permit required; expiration of existing permits and procedures to preserve locations.
- (1) Unless otherwise authorized by law, no Publisher shall place, install, or maintain any newsracks in the public right-of-way without first having obtained a permit from the Department in accordance with the provisions of this section.
  - (2) The permit year shall run from October 1 to September 30 of each year. All permit applications received by the Director shall be awarded on a first come, first serve basis in accordance with the provisions of this section.
  - (3) Failure to timely secure a permit in advance of placing a newsrack in the public right-of-way in accordance with the provisions of this section may result in the removal of the

non-permitted newsrack by the County. Prior to removal, the County shall send notice to the Publisher if known, that the County shall remove the newsrack within seven days unless the Publisher removes it or files for a permit. It is provided, however, the Director need not provide notice where the newsrack in the opinion of the Director constitutes a hazard to automobiles, bicyclists or pedestrians.

(d) Application and issuance of permits.

(1) Applicants for permits to place newsracks in the public right-of-way shall file with the Director a written application for a location and installation permit. The application shall contain the following information:

- (a) The name, address, and telephone number of the Publisher responsible for the newsrack.
- (b) The name, address, and telephone number of a responsible person whom the County may contact concerning the newsrack.
- (c) A dimensional drawing identifying the number of newsracks, the dimensions of each newsrack, the proposed location of each newsrack, the existing physical features surrounding the proposed location including existing sidewalks, paths, posts, poles, walls, and other relevant features as well as each newsrack's setbacks.
- (d) Names of newspapers or periodicals to be contained in each newsrack.
- (e) The type or brand of newsracks, including an illustration and

description of the newsrack and mount.

(2) Procedure.

- (a) The Department shall have ten working days from the receipt of a complete application to determine whether the proposed newsrack complies with the provisions of this section and to approve or deny the permit accordingly.

(3) Issuance of permit.

- (a) Upon a determination that the application complies with the provisions of this section and upon payment of applicable fees, the Director shall issue a permit for the installation of the newsrack in the right-of-way.
- (b) The Department shall charge and collect permit fees at a rate to be established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners. All fees collected pursuant to this section shall be used solely to defray administrative expenses incurred pursuant to this section. Any applicant who, after paying a permit fee, chooses not to place the newsrack for which the permit was obtained in the public right-of-way shall be entitled to a refund. In that event, the permit shall be canceled.
- (c) If a permit is denied, the Department shall advise the applicant of the specific cause of denial.

- (d) Publishers with newsracks installed with or without a permit in the public right-of-way prior to the effective date of this ordinance shall have 12 months from the effective date of this ordinance to comply with the terms of this section provided that, an application for permit is filed with the Department within six months of the effective date of this ordinance.
- (e) For each newsrack, the initial permit sticker issued pursuant to this section shall be applied by the Department and shall be visible when affixed to the upper right corner of the door of the newsrack. For each subsequent renewal of a permit, the Publisher shall be responsible for affixing the permit sticker in the same location as the initial one.
- (f) Upon payment of all applicable fees, the Director shall issue an annual renewal permit within ten days after receipt of payment, provided that the newsrack otherwise complies with the provisions of this section.
- (g) The Director shall have the authority to order the removal of any newsrack from the public right-of-way that does not comply with this section or is otherwise in violation of the law.

(4) Appeals

- (a) Any Publisher who has been denied a permit pursuant to the provisions of the Section may appeal such denial to the Board of County Commissioners by filing a written request with the clerk of the board. The clerk of the board shall place the item on the next regularly scheduled

meeting of the Board provided that the appeal has been filed no less than four business days prior to such meeting; otherwise, the appeal shall be heard at the next regularly scheduled board meeting thereafter. The decision of the Board shall be subject to judicial review pursuant to the laws of the state.

(e) Newsrack placement: permitted locations and specific prohibitions.

(1) Placement of newsracks shall be permitted at the following locations:

(a) On sidewalks: Newsracks shall be situated parallel to the edge of the sidewalk. A minimum sidewalk space of three feet shall remain clear in front of the newsracks.

(b) In a grass, dirt, gravel, or other unpaved area: Newsracks placed in unpaved areas shall be secured to concrete foundations, as required in this section. Newsracks shall not be chained or otherwise tied to any poles, trees, or other structures under any circumstances.

(2) No newsrack shall be placed, installed, used, or maintained at the following locations:

(a) Within five feet of any curbed roadway or within 15 feet of any uncurbed roadway unless placement outside of such area interferes with safe and convenient use of the public right-of-way.

- (b) Within five feet of any marked crosswalk.
- (c) On or within two feet of any bicycle or non-motorized multiple-use path.
- (d) Within ten feet of any fire hydrant, fire call box, police call box, or other emergency facility.
- (e) Within five feet in front of, or fifteen feet to the rear of, any sign marking a designated bus stop, as measured along the edge of pavement.
- (f) Within two feet of any bus bench or plaza bench.
- (g) Within ten feet of any advertisement panel located on a transit shelter.
- (h) At any location that would reduce the clear space for passageway of pedestrian to less than three feet.
- (i) Where a protruding portion of a newsrack is within 12 inches of any area improved with landscaping, lawn, or hedges, or within a three-foot radius of flowers or trees.
- (j) Within six inches of any building wall located on the property line.
- (k) Within three feet of any display window of any building abutting the sidewalk or parkway or in such a manner as to impede or interfere with the reasonable use of such window display.
- (l) Within five feet of a building entrance.

- (m) Within a three foot radius of a mailbox, sign, parking meter, streetlight, or utility pole.
  - (n) Within visibility triangles at street intersections as determined by the Public Works Department pursuant to the Florida Department of Transportation's 2006 Design Standards as amended from time to time. It is provided however, that where a building already protrudes into the site triangle, newsracks may be placed flush with the building and set back from the building line sufficiently to avoid further intrusion into the line of site.
  - (o) Within ten-foot pedestrian visibility triangles at the intersection of driveways with streets or at the intersection of driveways with driveways. Pedestrian visibility triangle legs are to be measured from the intersecting edges of a street or a driveway.
- (3) No more than ten non-modular newsracks shall be placed at any intersection, with no more than five non-modular newsracks at any one corner.
  - (4) No more than five non-modular newsracks shall be placed side by side at any one location, and there shall be a minimum distance of 300 feet from another location of newsracks along the same sidewalk.
  - (5) When modular newsracks are provided:
    - (a) No more than one modular newsrack shall be placed at any one location.



(b) No more than one modular newsrack and two side-by-side standard newsracks shall be permitted at any one location.

(f) Newsrack construction, design and maintenance.

- (1) All newsracks shall be constructed of galvanized steel with corrosive resistant hardware and door assembly. Manufacturer modifications may be made to the door, window, and cabinetry to accommodate tabloid or broadsheet newspaper display and distribution.
- (2) The shape of a newsrack shall be a rectangular hexahedron with a height of 36 inches, excluding coin box, width of not more than 20 inches and a depth of not more than 17 inches. Pedestal newsracks shall not be permitted. Coin box attachments shall not exceed 14 inches in height, 20 inches in width and 20 inches in depth.
- (3) The shape of a modular newsrack shall be a rectangular hexahedron with a height of 50 inches, width of not more than 60 inches and a depth of not more than 17 inches. Pedestal modular newsracks shall not be permitted.
- (4) The color of the entire newsrack, including coin box and mounting hardware, shall be painted dark green with a powder finish consistent with a paint sample provided by the Director.
- (5) No newsrack shall provide for card holders or display advertising. It is provided, however, that a cling-on sticker or equivalent may be placed within a four-inch square area of the inside lower left hand corner of the clear plastic viewing panel of the newsrack's access door to promote particular features or offerings inside the current publication. The sticker shall be applied only during the period of time that is

- relevant to the current publication, and it shall be the Publisher's responsibility to remove the sticker when it is no longer applicable.
- (6) A newsrack may display the name, with lettering of any color, of the newspaper being dispensed, in the location and size set forth below:
- (a) On the front of the newsrack, the lettering size shall not exceed 1 3/4 inches in height. The lettering shall be placed within a clear or colored-band space not exceeding two and one-half inches in height above the door hinge.
- (b) On the sides and back of standard newsracks, the lettering size shall not exceed 2 1/2 inches in height. The lettering shall be placed within a clear or colored-band space not exceeding four inches in height and beginning one inch from the top of the newsrack.
- (7) Newsracks for free newspapers may omit the coin box and may have the pull bar welded to the door.
- (8) Newsracks shall be maintained in good working order at all times, including but not limited to the following: no faded or dull paint; no broken hood; and no graffiti, stickers, tape, advertising, posters or other materials unless specifically permitted in this section.
- (9) Notwithstanding the limitations on advertising set forth in this section, a modular newsrack may include advertising, provided that the advertising consists only of a single panel within the confines of the

modular newsrack that does not exceed 14 square feet in area.

(g) Abandonment of newsrack.

- (1) A newsrack shall be deemed abandoned when it does not contain the publication specified within 48 hours after release of the current issue or when the newsrack is empty for more than seven consecutive days.
- (2) When a newsrack has been abandoned on public property, the Director shall attempt to notify the Publisher by certified mail and by telephone to afford the Publisher the opportunity to remove the newsrack, resume distribution, or show reasonable cause why the newsrack should not be removed.
- (3) The Director may remove and store the newsrack when the Publisher is unknown or where the Publisher has failed to resume distribution, remove the newsrack, or show reasonable cause therefor within seven days from the date that the return receipt indicates that the letter has been received, gone unclaimed, or been refused. If a newsrack that is removed and stored is not claimed within 60 days of storage, the Director may dispose of it. The cost of storage and disposal of a newsrack shall be established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners.
- (4) If a Publisher desires to voluntarily abandon a newsrack location, the Publisher shall notify the Director, completely remove the newsrack and mount, and restore the public right-of-way to a safe condition, leaving no holes or projections in the mounting surface or concrete base.

(h) Newsrack mounting standards.

(1) A newsrack mounted on a concrete surface shall meet the following standards:

- (a) The newsrack shall be affixed to a concrete surface using two "L" shaped steel brackets, 7/64 inch thick, and 1 1/4 inches high and wide, with a depth equal to the depth of the newsrack. Each corner of the steel bracket shall have a hole for an anchor or bolt.
- (b) Each steel bracket shall be attached to the sides of the newsrack with a minimum of two metal non-corrosive anchors.
- (c) Four drop-in anchors, measuring 3/8 inch diameter, shall be embedded in the concrete at a minimum depth of 1 5/8 inches, and the top of the anchor shall be flush with the concrete surface.
- (d) Four galvanized anchor bolts, measuring 3/8 inches in diameter and at least 1 inch long, shall be used to firmly secure the steel brackets to the drop-in anchors.
- (e) Steel brackets and bolt heads shall be painted to match newsrack color and finish.
- (f) The installed newsrack shall be plumb.

(2) A newsrack mounted on grass, dirt, gravel, or other unpaved area shall meet the following standards:

- (a) The concrete foundation shall be a minimum of 4 inches deep, 2500 psi

(28-day strength), Class I cement, reinforced with welded wire mesh.

- (b) The minimum distance from the vertical side of the newsrack to the nearest concrete edge shall be 3 inches.
  - (c) A chamfer measuring 1/2 inch shall be required for all concrete edges.
  - (d) The newsrack shall be anchored to the concrete foundation in accordance with sec. 2-103.17(g)(1).
- (3) A newsrack mounted on a tiled or bricked area shall meet the following standards:
- (a) Tiles or bricks at the proposed location shall be removed or excavated, and soil shall be added if necessary.
  - (b) A concrete foundation shall be laid in accordance with sec. 2-103.17(g)(2), and the top of the foundation shall be flush with the tiled or bricked surface. The newsrack shall be anchored to the concrete foundation in accordance with sec. 2-103.17(g)(1).
  - (c) Gaps between the concrete foundation and the surrounding tiles or bricks shall be filled with concrete. Elevations of poured concrete shall match surrounding elevations. The Director shall approve the color of poured concrete.

(i) Violations:

Notwithstanding any provision in the code to the contrary, any Publisher that places or maintains a newsrack in the public right-of-way in violation of this section shall have five calendar days from service of the civil violation notice pursuant to Miami-Dade County Code Section 8CC-3(e) to correct the violation, or five calendar days from service to file for an appeal. It is provided however, where a permitted newsrack has been damaged as a result of vandalism or by accident, the Publisher shall have a five-day grace period to correct such damage prior to service of the civil violation notice. In all other respects, any appeal of a civil violation notice shall follow the procedures set forth in Chapter 8CC.<<

**Section 3.** Section 8CC-10 of the Code of Miami-Dade County, Florida is hereby amended as follows:

**Sec. 8CC-10. Schedule of civil penalties.**

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this Chapter 8CC, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

Code Section	Description of Violation	Civil Penalty
	* * *	
2-103.16	Placing an article in the public right-of-way without a permit, or failing to remove <del>[[a newsrack]]</del> >>an article<< after a permit has been denied	100.00
>>2-103.17	<u>Placing a newsrack in the public right-of-way without a permit, failing to remove a newsrack after a permit has been denied, or maintaining a newsrack in violation of the standards set forth for design, installation or maintenance.</u>	<u>100.00</u> <<
	* * *	

**Section 4.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 5.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 6.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

Craig H. Collier/ Dennis A. Kerbel



CAC/DAK